

### **REMARKS**

Claims 11 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 has been amended to delete the objected-to phrase "the first portions" in line 2. Claim 16 has been amended to more specifically be directed towards a bottom emitting device embodiment, and new claim 17 has been added directed towards the top emitting embodiment of original claim 16, with proper antecedence for the limitation "the cover". Reconsideration of these rejections is accordingly respectfully requested.

Claims 1, 3-10, and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Arnold et al. (US 6,670,772). Claim 1 has been amended to specifically require that a polarizer be located over the substrate or an encapsulating cover through which the polarized light is emitted, wherein the polarizer is oriented such that the emitted polarized light passes through the polarizer without being substantially absorbed, which feature is not specifically disclosed in Arnold et al. Claim 1, and claims dependent thereon, are thus not anticipated by such reference. Support for such amendment may be found, e.g., at page 5, lines 28-29, in combination with the top and bottom emitting embodiments described, e.g., at page 4, lines 16-21, and page 6, lines 19-21. As further explained at page 4, line 28 – page 5, line 2, as ambient light incident on device provided with a polarizer is absorbed as known in the prior art, by providing a polarizer aligned the with the polarized emitted light, the present invention provides an improvement in both light output and contrast.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (US 6,670,772). Such rejection is obviated by the following statement of common ownership:

#### **STATEMENT OF COMMON OWNERSHIP**

The present invention and that of Arnold et al. US 6,670,772 were, at the time the present invention was made, owned by or subject to an obligation of assignment to Eastman Kodak Company. Arnold et al. is accordingly disqualified as a 35 USC 102(e) reference with respect to any rejection of the present invention under 35 USC 103.

It is additionally noted that the present invention application and the patent of Arnold et al include a common inventor/co-inventor, and that an obviousness-type double patenting rejection has not been proposed with respect to the claims of Arnold et al. This is believed appropriate, as the present claims are believed to patentably differentiate from the claims of Arnold et al., which do not teach or suggest the use of a polarizer as specifically presently claimed.

Claims 1-5, 8-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase (US 6,815,886) in view of May (US 6,211,613). Regarding claim 1, the Examiner states that Kawase discloses an organic light emitting display (see Fig. 10), comprising Kawase comprising all claim requirements except is silent regarding the OLED further comprising a polarizer, and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a polarizer to the device of Kawase, in order to increase the contrast of the image as taught by May. This rejection is respectfully traversed, and reconsideration is respectfully requested.

While Kawase does describe light emitting devices comprising periodic grating structures, there is no teaching to design such devices with periodic grating structure in order to induce surface plasmon cross coupling in metallic electrode layers to emit polarized light. Thus, even if it may or may not have been obvious to combine a circular polarizer of May with the light emitting device of Kawase, there is any event no teaching or suggestion to employ such a polarizer oriented specifically such that emitted polarized light passes through the polarizer without being substantially absorbed. Accordingly, the present invention is not taught or suggested by the proposed combination.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase-May as applied to claim 1 above, and further in view of Terao (US 6,133,581). The Examiner states that while the combination of Kawase-May does not disclose the limitation of the first electrode being non-metallic and comprising a metallic layer formed on portions of the first electrode, Terao discloses an EL device comprising first electrodes including a non-metallic layer and a metallic layer formed on portions of the non-metallic layer, in order to reduce the

resistance of the non-metallic layer, providing a high light emitting efficiency and a small power consumption (see Col. 4, lines 1-4), and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a metallic layer to the non-metallic electrode with the purpose of reducing the resistance of the electrode, while providing a high light emitting efficiency and a small power consumption. This rejection is respectfully traversed, and reconsideration is respectfully requested, as Terao fails to overcome the basic deficiency of the rejection based on Kawase-May as discussed above.

In view of the foregoing amendments and remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action by the Examiner is earnestly solicited. Should the Examiner believe any remaining issues may be resolved via a telephone interview, the Examiner is encouraged to contact Applicants' representative at the number below to discuss such issues.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.